

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL A. BROWN,	§	
	§	No. 105, 2009
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0412008486
Appellee.	§	

Submitted: July 9, 2009  
Decided: July 20, 2009

**ORDER**

This 20<sup>th</sup> day of July 2009, the Court has considered the appellee's motion to dismiss this appeal for the Court's lack of jurisdiction to consider an appeal directly from a Superior Court Commissioner's report and recommendation. The appellant has not responded to the motion to dismiss. The appellant's failure to respond to the motion to dismiss is deemed to be his consent to the dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 30(c), (d), that the appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice